

REMARKS

Claims 2-4 and 6-46 were presented for examination. In an Official Action dated March 17, 2003, claims 2-4 and 6-46 were rejected. Claims 2-4, 6-24, 26-46 are now pending; claim 25 has been cancelled without prejudice or disclaimer. Applicant requests reconsideration and allowance of the pending claims based on the following responses to Examiner's concerns.

Note that claim 7 has been amended solely to correct a typographical error related to claim dependency. Additionally, claims 2-4 and 6-34 have been amended solely to replace each instance of "said" with "the", except as noted below.

I. **Independent Claim 2**

Examiner rejects claim 2 under 35 USC § 102 (e) as being anticipated by Reuss et al. (US Patent No. 5,844,978)("Reuss"). Applicant respectfully traverses this rejection.

As amended, claim 2 recites a method of managing institutional telephone activity between a calling party and a called party, comprising, *inter alia*:

providing an account for each calling party, wherein the account comprises calling party entitlements, wherein at least some entitlements are based on the calling party's class;

creating an institutional communication connection with a calling terminal following initiation by the calling party, wherein each institutional communication connection comprises an external communication request by the calling party that initiated the institutional communication connection;

identifying the calling party;

analyzing each external communication request to determine its called party parameters;

comparing the called party parameters to the calling party entitlements to determine whether the calling party is entitled to communicate with the called party and denying the external communication request if the comparing returns a negative result; and

determining whether the calling party has an active account and denying the external communication request if the determining returns a negative result.

Thus, claim 2 is directed towards managing call placements between a calling party and a called party. The calling party has specific entitlements and each communication request has specific parameters. The method compares each caller's entitlements with each communication request's parameters to determine if the caller is entitled to call the called party and whether the account is valid.

Reuss fails to disclose or suggest (1) analyzing each external communication request or (2) comparing the called party parameters to the calling party entitlements, among other things (*e.g.*, calling party class). In general, Reuss is directed to easing logon protocols of a telephone available to multiple users. Specifically, with respect to (1) Reuss discloses:

[a] user may activate a phone line associated with a telephone 14 by entering the appropriate logon code or logon code and access code from a telephone 14. Once activated, the user may place the telephone "on hook" then go "off hook" and place subsequent calls without having to enter another code. When the user is through making calls, the telephone line may be deactivated so that no further calls can be made. (Col. 7, Ins. 25-32).

Thus, Reuss teaches permitting a user to logon and make an unlimited number of subsequent telephone calls without the inconvenience of repeating the logon procedure for any call but the first one.

With respect to (2) comparing the called party parameters to the calling party entitlements, Examiner cites:

any information associated with the following features may be saved for use on subsequent calls: interexchange carrier selection, alternate billing, toll restriction, private facility access, and an audit trail of calls. (Col. 8, Ins. 31-34).

Thus, Reuss also teaches using an access code to determine whether or not a user can logon based on general levels of service available to the user, and then placing a telephone call.

However, Reuss does not disclose the invention of claim 2. First, Reuss teaches away from the step of (1) analyzing each external communication request as in claim 2, by providing for additional call placements without reentering the access code. In the claimed

invention, which is set in the institutional environment (*e.g.*, a prison), each institutional communication connection comprises an external communication request that is subsequently analyzed and compared. Thus, some calls by a calling party may be allowed while some subsequent calls may be denied.

Prisons (and society) do not typically want convicts to have ready access to telephones, and especially do not want inmates to be able to phone anyone who they wish to phone (*e.g.*, the judge who sentenced them, known criminal associates, past victims.) Accordingly, each phone call that the inmate places requires separate treatment. The fact that the inmate's first call is to his mother provides little assurance that his second call won't be to the judge who sentenced him to life in prison. Thus, each call needs to be checked.

In contrast, Reuss is directed toward validating a user in a multi-user environment. Once a user is validated in Reuss, the logon procedure has ended, and the user may place subsequent calls without having to logon again. Thus, Reuss' contrary teaching of validating a user prior to placing a call is not applicable to claim 2.

Second, it is impossible to perform the step of (2) comparing the "called party parameters" to the "calling party entitlements" by using Reuss' access code because the access code is merely part of a logon procedure allowing call placement. In the claimed invention, the "calling party entitlements" are distinct from the "called party parameters" in that the former relates to user privileges and the latter relates to an attempted act that is compared against the privilege. However, Reuss uses a single access code to determine whether to log on a user prior to allowing call placements.

Moreover, Reuss cannot take the called party into account because the called party has yet to be identified by the calling party. Thus, at this point in Reuss, the calling party has

not provided enough information to compare the called party parameters against the calling party entitlements.

In sum, the differences between claim 2 and Reuss stem from the purpose of claim 2 for managing institutional telephone activity between a caller and a called party for each call, which reaches beyond merely logging a user onto telephone services based on an access code so that the user may then place a call. Furthermore, the other cited references do not cure the deficiencies of Reuss.

Therefore, Applicants respectfully submit that claim 2 is patentably distinguishable over Reuss and the other references. Since amended claim 39 has a similar scope to claim 2, Applicants further submit that claim 39 is patentably distinguishable for at least the same reasons as claim 2. Additionally, claims 3-4, 6-24 and 40-46 depend upon either independent claim 2 or 39, and claim additional patentable features, claims 3-4, 26-34 and 40-46 are patentably distinguishable for at least the same reasons as claims 2 and 39.

II. Independent Claim 35

Examiner rejects claim 35 under 35 USC § 102 (e) as being anticipated by Reuss.

Applicant respectfully traverses this rejection.

Claim 35 recites a method of managing institutional telephone activity, between a calling party and a called party, comprising, *inter alia*:

providing a plurality of calling terminals, a plurality of telephone lines, an administrative database, an administrative interface, wherein said database comprises an individual account for each calling party and wherein each said account provides individual entitlements to each said calling party;

placing a communication request from one of said calling terminals by said calling party to said called party, wherein said placing comprises said entering numeric data into one of said calling terminals;

accepting said communication request;

identifying said calling party;
analyzing said communication request to determine parameters;
comparing said parameters with said entitlements; and
conditionally establishing communication between said called party and said calling party.

Thus, claim 35 is directed towards managing call placements between a calling and a called party. The calling party has specific entitlements and a communication request has specific parameters. The method compares the caller's entitlements with the communication request's parameters to determine if whether the caller is entitled to the call to the called party and whether the account is valid.

Among other things, Reuss fails to disclose or suggest (1) comparing the parameters with the entitlements or (2) conditionally establishing communication between the called party and the calling party.

As discussed above, it is impossible to perform the step of (1) comparing the parameters with the entitlements by using Reuss' access code because the access code is merely part of a logon procedure allowing call placement. In the claimed invention, the entitlements are distinct from the parameters in that the former relates to user privileges and the latter relates to an attempted act that is compared against the privilege. However, Reuss uses a single access code to determine whether to log on a user prior to allowing call placements. Moreover, Ruess cannot take the called party into account because the called party has yet to be identified by the calling party. Thus, at this point in Reuss, the calling party has not provided enough information to compare the parameters against the entitlements.

Moreover, Reuss teaches away from performing the step of (2) conditionally establishing communication between the called party and the calling party. As discussed, the Reuss logon procedure occurs before a party is even called. Thus, Reuss' contrary teaching of validating a user before attempting a call is not applicable to claim 35.

Furthermore, since claims 36-38 depend upon independent claim 35 and add additional features, claims 36-38 are patentably distinguishable for at least the same reasons as claim 35.

III. Conclusion

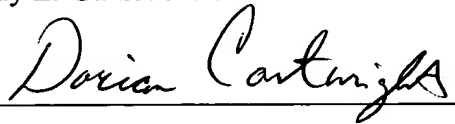
Applicants respectfully submit that claims 2-4 and 6-46 as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration and allowance of these claims. To this end, Applicants invites Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Date: _____

6/13/03

By: _____

RESPECTFULLY SUBMITTED,
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